

Misbranding, Section 403 (a), the name "Chicken Noodle" was false and misleading as applied to a noodle soup mix containing no chicken meat extractives; Section 403 (b), the article was offered for sale under the name of another food, chicken noodle soup mixture; Section 403 (e), the container was so filled as to be misleading since the packages were only approximately half filled with the product; and, Section 403 (k), the product contained artificial flavoring, monosodium glutamate, and failed to bear labeling stating that fact.

DISPOSITION: December 1, 1943. No claim having been entered, the product was condemned and ordered delivered to a charitable institution.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

5998. Adulteration and misbranding of candy. U. S. v. Joe Franklin Myers (Joe Franklin Myers Industries). Plea of nolo contendere. Fine, \$100. (F. D. C. No. 10561. Sample No. 2369-F.)

INFORMATION FILED: On October 25, 1943, Northern District of Texas, against Joe Franklin Myers, trading under the firm name Joe Franklin Myers Industries, Dallas, Tex.

ALLEGED SHIPMENT: On or about March 8, 1943, from the State of Texas into the State of Illinois.

LABEL, IN PART: "Fruit Ice Sticks," or "Almond Crunch Sticks."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, carotene (vitamin A), riboflavin (B₂), and thiamine (B₁) had been in large part omitted.

Misbranding, Section 403 (a), the statements on the label, "These candies when made contained 2200 or more U. S. P. units of Carotene (Vitamin A) * * * 2000 or more units of Thiamine (B₁), 320 micrograms of Riboflavin (B₂) * * * to each pound," were false and misleading since it contained smaller amounts of the said vitamins than declared; and, Section 403 (j), in that it purported to be and was represented as a food for special dietary uses by man by reason of its vitamin properties, and its label did not bear a statement of the proportion of the minimum daily requirements for carotene (vitamin A), thiamine (B₁), and riboflavin (B₂) which would be supplied by the product when consumed as directed during a period of 1 day; and the label did not bear a statement, as required by the regulations, that the need in human nutrition for pyrodoxine (B₆) and pantothenic acid has not been established.

DISPOSITION: December 15, 1943. A plea of nolo contendere was entered and the defendant was fined \$100.

5999. Misbranding of Min-O-Malt (chocolate-flavored sirup). U. S. v. 19 Cartons of "Chocolate Flavor Syrup" (and 1 other seizure action against chocolate-flavored sirup). Decrees of condemnation. One lot ordered delivered to a charitable institution; remaining lot ordered released under bond for relabeling. (F. D. C. Nos. 10467, 12257. Sample Nos. 20236-F, 79234-F.)

LABELS FILED: August 26, 1943, District of Rhode Island; April 25, 1944, District of Columbia.

ALLEGED SHIPMENT: From on or about July 7 to August 9, 1943, by the Almonette Candy Co., Lynn, Mass.

PRODUCT: 19 cartons, each containing 24 jars, of chocolate-flavored sirup at Providence, R. I., and 65 cases, each containing 12 jars, of chocolate-flavored sirup at Washington, D. C.

LABEL, IN PART: (Jars) "Chocolate Flavor Syrup Enriched with Energizing Vitamins and Minerals 1 Lb. 6 Oz. Net Delicious MIN-O-MALT Nutritious."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), in that statements appearing on the jar label, "Energizing * * * For better resistance * * * For better digestion * * * For healthier teeth * * * For sounder bone structure * * * For more red blood cells * * * For quick energy * * * physical and mental well-being of the individual * * * for the normal functioning of the body processes * * * for buoyant health," and, in a folder accompanying the jar, "More Vitamin A than 6½ pounds of butter. More Vitamin B₁ than 250 pounds of cheese. More Vitamin D than 50 dozen eggs. More Calcium and Phosphorus than 40 quarts of milk. More Iron than 100 pounds of spinach," and further statements about vitamin and mineral needs, appearing in the folder, were false and misleading since the use of the product would not accomplish the results suggested and implied in that labeling; and in that the statement "1 Lb. 6 Oz. Net" was false and